



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

May 20, 2008

John A. Gefferth, Environmental Engineer  
Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884

Subject: Commencement of Midterm Review, Task ID #2975, Consolidation Coal Company, Emery Deep Mine, C/015/0015

Dear Mr. Gefferth:

The Division is required to review each active permit during its term, in accordance with R645-303-211. This review is to take place at the midpoint of the permit term (July 7, 2008 for the Emery Deep Mine) and will cover pertinent elements that have been selected for review. The Midterm Review for the Emery Deep Mine is now being conducted and the items chosen for review encompass the following:

1. An AVS check to ensure that Ownership and Control information is current and correct.
2. A review of the Plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and Permittee initiated Plan changes are appropriately incorporated into the Plan document.
3. A review of the applicable portions of the permit to ensure that the plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
4. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate year dollars.
5. The Division will conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices.

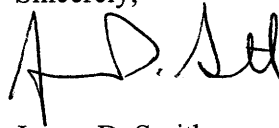


Page 2  
John Gefferth  
May 20, 2008

Once the review has been conducted, you will be notified of any outstanding issues that need to be corrected.

If you have any questions regarding these requirements or the Midterm Review please don't hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "J.D. Smith". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James D. Smith  
Permit Supervisor

an  
O:\015015.EME\FINAL\WG2975\MIDTERM2975.DOC